

## **NON-FINAL OFFICE ACTION**

1. **This application has been reassigned to Technology Center 1700, Art Unit 1797 and the following will apply for this application:**

Please direct all written correspondence with the correct application serial number for this application to **Art Unit 1797**.

Telephone inquiries regarding this application should be directed to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 or to the Examiner at (571) 272-1139. All official facsimiles should be transmitted to the centralized fax receiving number 571-273-8300.

### ***Priority***

2. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All of the CERTIFIED copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

### ***Information Disclosure Statement***

3. Note the attached PTO-1449 forms submitted with the Information Disclosure Statements filed 10 APR 2008 and 11 APR 2008. The 1449 that is entirely crossed through is a duplicate of the other 1449. The 1449 with the individual references crossed through are stricken since these references are not in the IFW file and were apparently not included with either IDS per the "Enclosure" sections thereof.

### ***Drawings***

4. The drawings filed 7 FEB 2006 and 11 APR 2008 are objected to because of the following informalities:

a. for the reasons on the attached PTO-948 form.

Correction is required.

5. Applicant should verify that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference characters mentioned in the specification are included in the appropriate drawing Figure(s) as required by 37 CFR 1.84(p)(5).

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" (37 CFR 1.121(d)) and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

#### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Specification***

6. The substitute specification filed 11 APR 2008 is approved and has been entered.
7. The substitute specification filed 11 APR 2008 is objected to because of the following informalities:
  - a. ¶ [00014]: "non-rotatingembodiment" should be --non-rotating embodiment--.
  - b. ¶ [00034]: replace "shift" with --shaft--.
  - c. ¶ [00039] refers to Figures 2 and 3 which do not exist.  
Appropriate correction is required.
8. The replacement abstract is acceptable.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

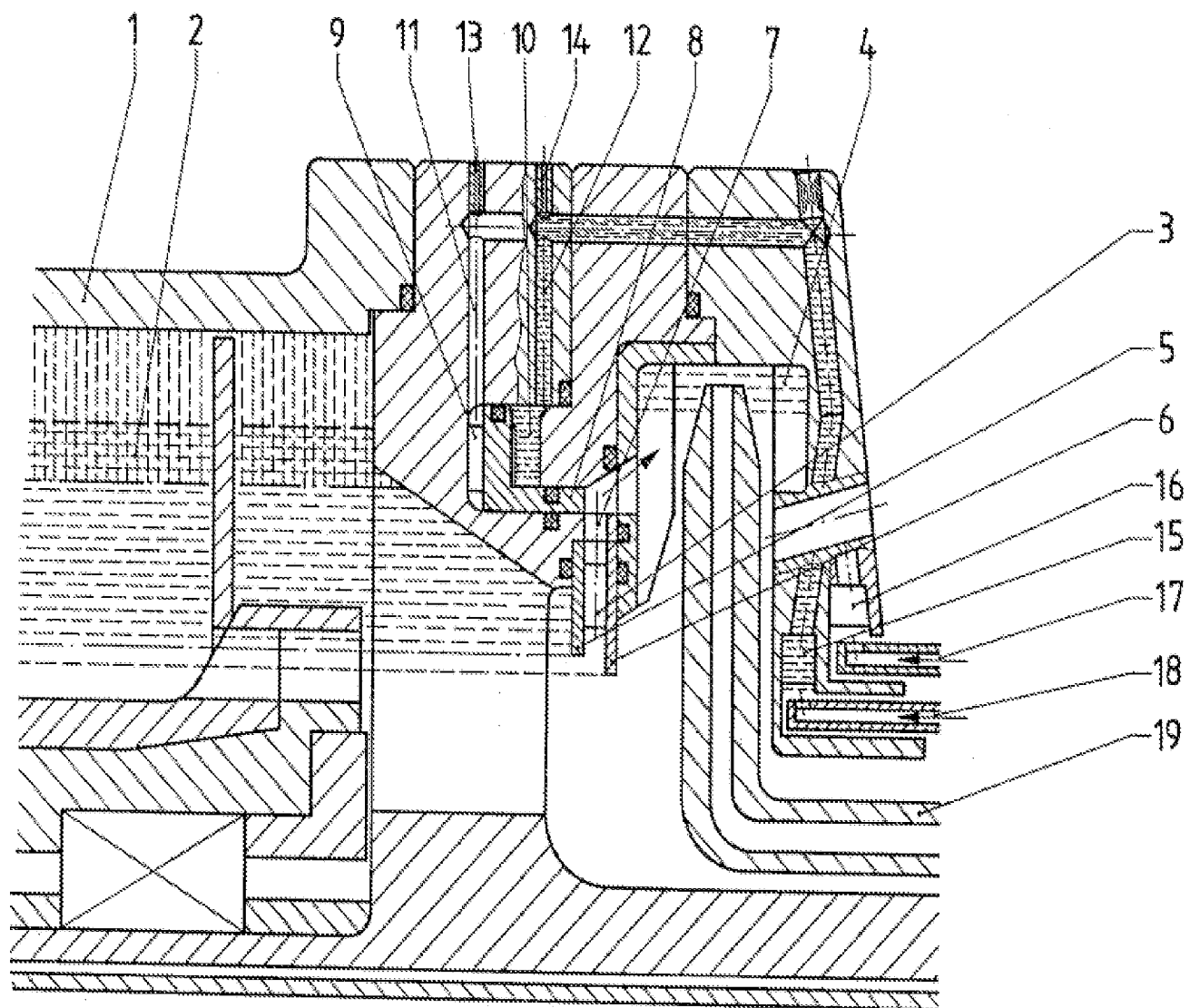
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**10. Claims 1, 2, 3, 5, 6, 7, 8, 9, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 3728901.**

DE 3728901 discloses the recited screw type centrifuge with a centripetal pump 19 and adjustable throttling device 8 in front of the pump as seen in the Figure and as described in the abstract. The throttling device 8 is capable of being adjusted and is rotatable with the drum during an operation when the drum 1 is rotating and the throttling device 8 is capable of being adjusted and is stationary during an operation when the drum 1 is not rotating. The throttling device 8 has a disk portion (proximate 9). The throttling device 8 is axially movable per the abstract.

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**11. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ostkamp (US 5,885,202).**

The patent to Ostkamp '202 discloses the recited screw type centrifuge with a centripetal pump 8 and adjustable throttling device 9-12 in front of the pump as seen in Figure . The throttling device 9-12 is capable of being adjusted (col. 2. line 60 – col. 3, line 8) and is stationary during an operation when the drum 1 is not rotating.

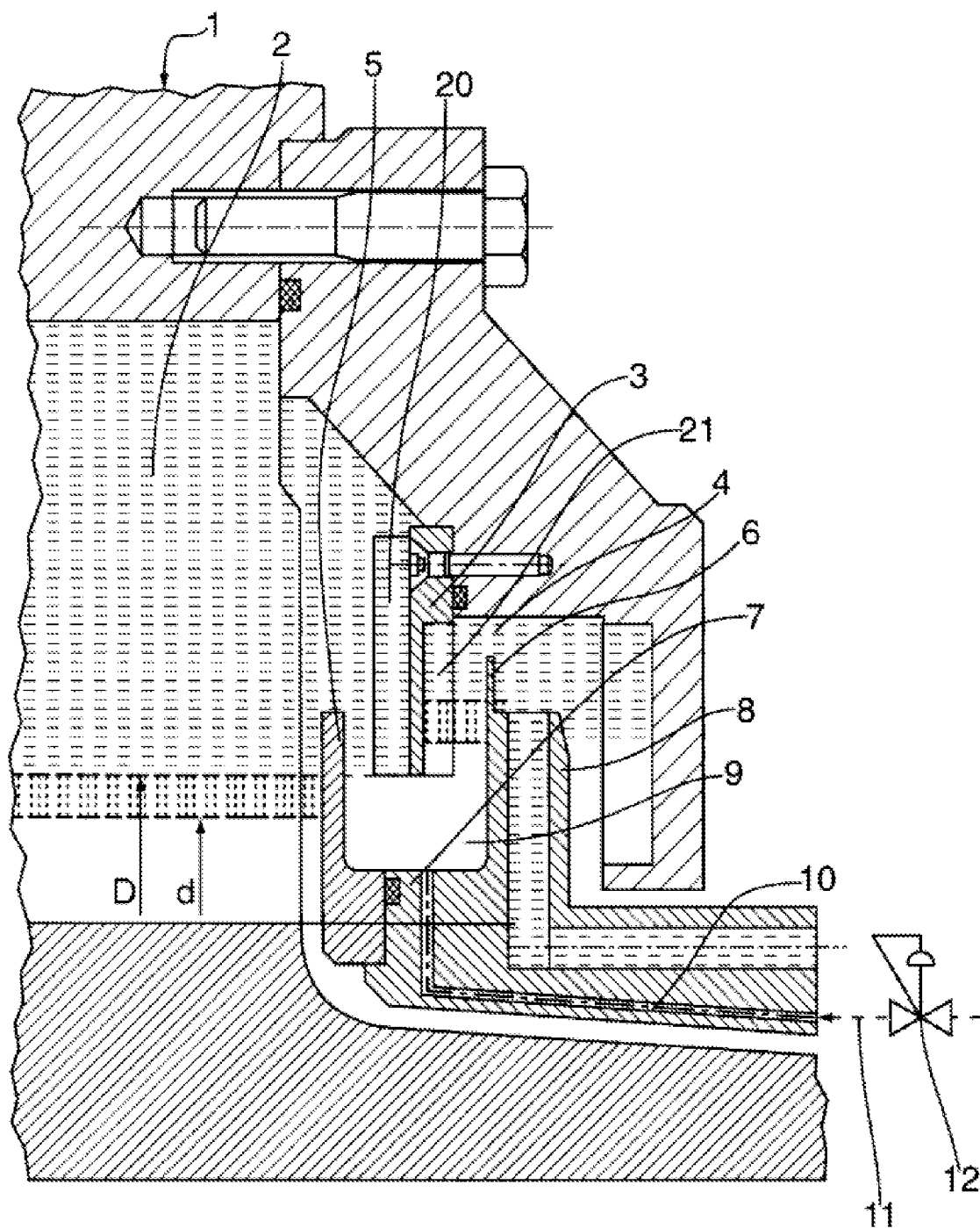


FIG. 1

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**12. Claims 1, 2, 3, 5, 6, 7, 8, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ecker (US 4,615,690).**

The patent to Ecker '690 discloses the recited screw type centrifuge with a centripetal pump 8 and adjustable throttling device 11 in front of the pump as seen in Figs. 1-3. The throttling device 11 is capable of being adjusted and is rotatable with the drum during an operation when the drum 1 is rotating and the throttling device 11 is capable of being adjusted and is stationary during an operation when the drum 1 is not rotating. The throttling device 11 is a movable disk. The throttling device 8 is swivellable (see col. 2, lines 2-45; col. 5, lines 36-68 and Fig. 2).



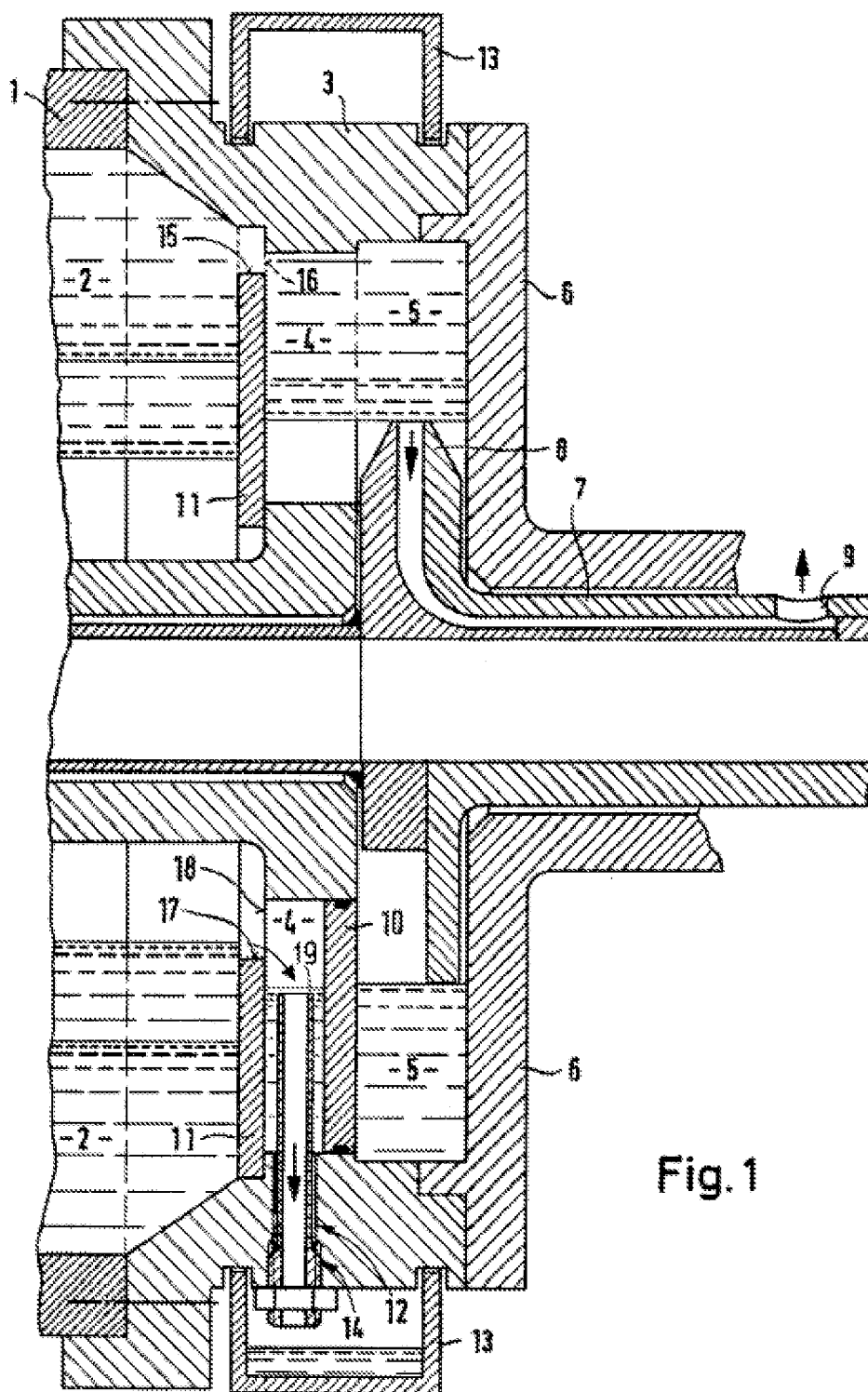


Fig. 1

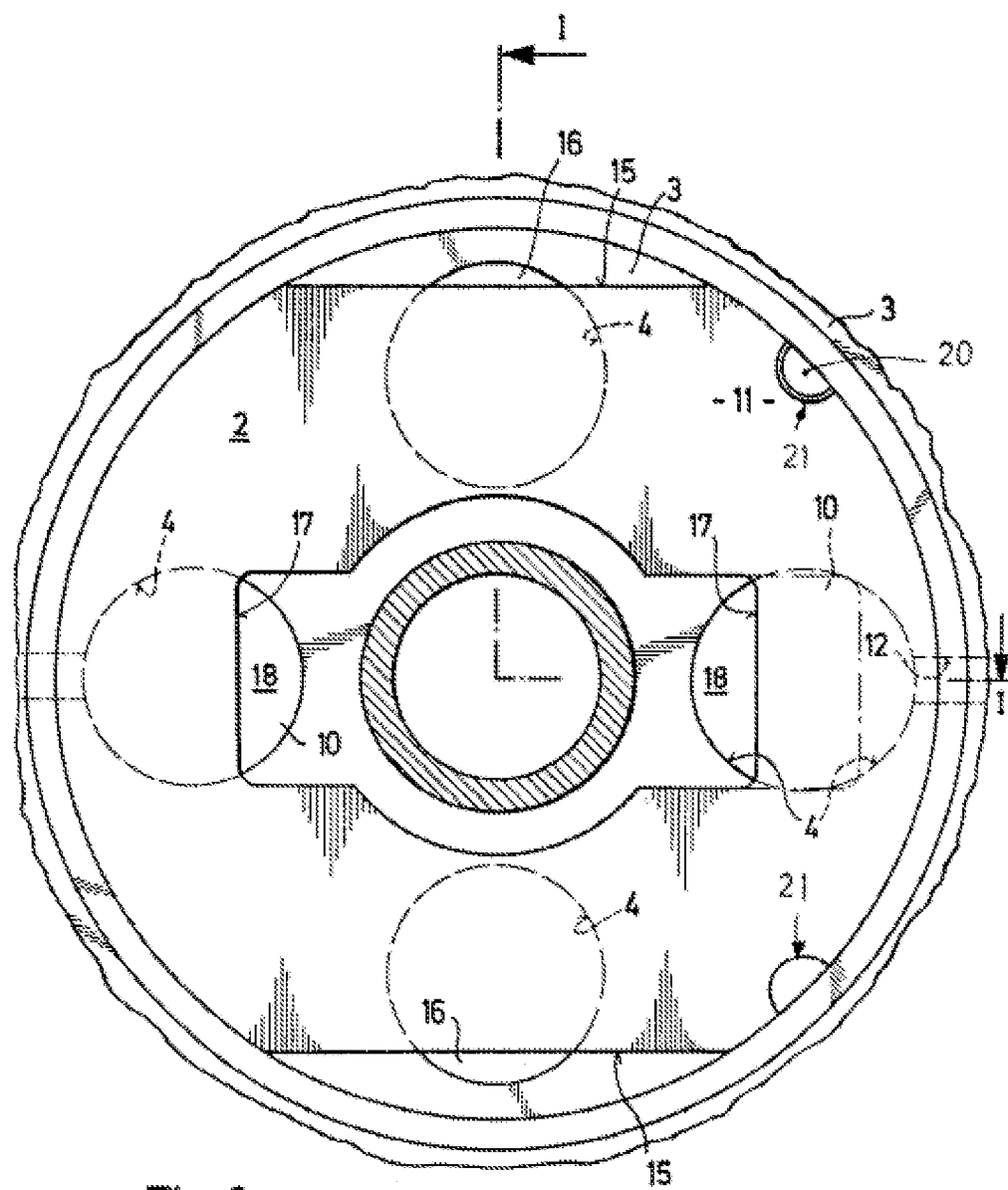


Fig. 2

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

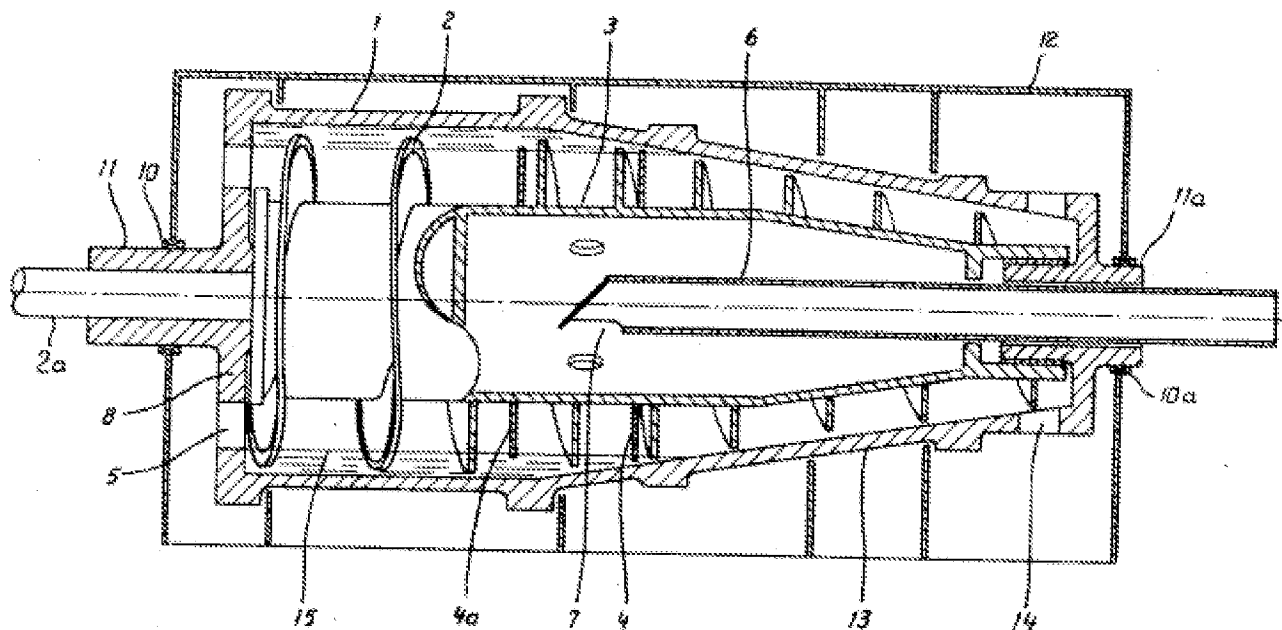
14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 3728901, Ostkamp (US 5,885,202), Ecker (US 4,615,690) in view of Eriksson et al. (US 3,447,742).**

DE 3728901, Ostkamp (US 5,885,202), Ecker (US 4,615,690) do not disclose the recited baffle plate. The patent to of Eriksson et al. '742 discloses a screw type centrifuge in the Figure having a baffle plate 4 or 4a on the screw 2, 3. It would have been obvious and mere common sense to one having ordinary skill in the art, at the time applicant's invention was made, to have provided DE 3728901, Ostkamp (US

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5,885,202), or Ecker (US 4,615,690) with a baffle plate on the screw as taught by Eriksson et al. '742 for the purpose of preventing one of the separated phases (such as a fat or oil phase) from being discharged with the solids phase (col. 1, lines 34-55 and col. 2, lines 20-52).



***Allowable Subject Matter***

16. Claims 11, 12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley in Art Unit 1797 whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri.. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles E. Cooley/

Charles E. Cooley  
Primary Examiner  
Art Unit 1797

12 June 2008